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JEFFREY TALLIS
CLERK OF SUPERIOR COURT
YUMA ARIZONA 85360

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of:

**PROHIBITING MELINDA G.
VALENZUELA FROM FILING ANY
LAWSUIT IN YUMA COUNTY
WITHOUT OBTAINING PRIOR
PERMISSION FROM THE COURT**

Administrative Order

2010-014

Melinda Gabriella Valenzuela – a.k.a. Quennel Devon Glover, Quennell Glover, Enrique Mendez, Enrique Glover – is a prison inmate in the custody of the Arizona Department of Corrections (ADC). He reentered ADC on January 13, 2006, and was previously incarcerated in ADC from January 9, 2003 to July 30, 2005.

The ADC's housing records, kept in the ordinary course of business, indicate that throughout his ADC incarcerations, Valenzuela has not been incarcerated in Yuma County.

Valenzuela has filed at least seventeen lawsuits in the Yuma County Superior Court.

On May 4, 2006, after Valenzuela had been a "named party" in over one hundred lawsuits filed in the Maricopa County Superior Court between 2002 and 2006, that Court's Presiding Judge issued an Administrative Order declaring Valenzuela (then using the name "Quennel Devon Glover") a Vexatious Litigant and restricting any subsequent case filings by him without prior Court approval.

On February 4, 2009, finding that Valenzuela had abused the court system there, the Pinal County Superior Court found Valenzuela to be a Vexatious Litigant and adopted the Maricopa County Superior Court May 4, 2006, Vexatious Litigant Administrative Order.

1 On August 18, 2004, the United States District Court, District of Arizona,
2 issued a second Vexatious Litigant Order against inmate Valenzuela, in CIV04-0698-
3 PHX-JAT (DKD). As a result, Valenzuela is enjoined from filing any complaint in
4 federal court without first submitting a Motion for Leave to File under specified terms.

5 Upon full review of the record, the court finds that the plaintiff has been a
6 named party in at least 17 civil court cases, mostly as plaintiff. A review of the case
7 dispositions indicate that the overwhelming majority of cases ended in a decision of
8 dismissal, or abandonment. Actions typically ended in a dismissal for failure to state a
9 claim upon which relief can be granted.

10 In determining whether the court should issue orders to curtail wasteful
11 litigation and motion practice and in reviewing the plaintiff's request for a deferral of
12 fees as well as the plaintiff's prior litigation history, the court relies on its inherent
13 authority to screen cases to insure the orderly administration of justice. A court's
14 inherent authority "may be defined as such powers as are necessary to the ordinary
15 and efficient exercise of jurisdiction." *State v. Superior Court*, 39 Ariz. 242, 247-48, 5
16 P.2nd 192, 194 (1931).

17 As the court stated in *Acker v. CSO Chevira*, 199 Ariz. 252, 934 P.2nd 816
18 (1997), a court's inherent authority is largely unwritten; appellate affirmation of an
19 exercise of that authority ordinarily is grounded on trial court findings and conclusions
20 which explains its actions. In *Jones v. Warden of Stateville Correctional Center*, 918
21 F.Supp. 1142, 1153 and 1156 (N.D.Ill.1995), the federal court held that the inmate's
22 access to the courts could be severely curtailed because he had proven himself to be
23 a "recreational litigant" who "repeatedly and flagrantly abused the judicial process by
24 inundating the courts with frivolous and repetitive lawsuits."

25 Given the plaintiff's propensity to file lawsuits with no discernable outcome,
26 and given the plainly frivolous nature of the complaints and the conduct of plaintiff in
27 pursuing litigation, the court does find the plaintiff to be a vexatious litigant.

28 In doing so, the court must tailor its Order only so much as needed to curtail
plaintiff's inappropriate conduct. Based on the court's review of the record, the court
believes that the only order that will adequately address plaintiff's litigiousness is an
Order prohibiting plaintiff from filing any lawsuit in Yuma County without obtaining
permission from the Presiding Judge of the County.

Any motion for leave to file shall be captioned, "Application Pursuant to Court
Order Seeking Leave to File." Plaintiff must either cite this Order in his application, or
attach as an exhibit a copy of this Order. In seeking leave to file, plaintiff is required
to certify under penalty of perjury that the claim or claims he wishes to present are
new claims never before raised and disposed of by any other court, within or outside

1 Yuma County. He would also need to certify that the claims are neither frivolous nor
2 made in bad faith.

3 This Order does not prohibit plaintiff from responding to any litigation in which
4 he is a named defendant.

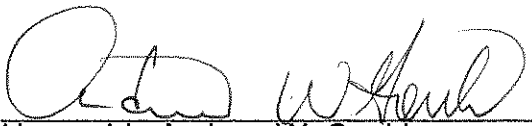
5 In accordance with the foregoing,

6
7 1. The Clerk of Court may receive and file documents from Mr. Valenzuela
8 relating to any cause numbers pending as of the date of this order. Prior
9 approval of the Presiding Judge is not required for such filings. Mr.
10 Valenzuela is advised, however, that if he files vexatious, frivolous,
11 scandalous, impertinent, or otherwise inappropriate matters, the court will
12 reinstate the pre-approval requirement for all filings.

13
14 2. Mr. Valenzuela may not file, and the Clerk of Court shall not accept, any
15 new causes of action after the date of this order without leave of the
16 Presiding Judge. If Mr. Valenzuela wishes to file a new cause of action, he
17 shall submit the proposed filing to the Presiding Judge, along with a copy of
18 this order and a proposed filing to the Presiding Judge, along with a copy of
19 this order and a proposed form of order for the court's signature. If approval
20 for filing the new action is granted, the Clerk of Court may accept subsequent
21 filings in that cause number from Mr. Valenzuela.

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23 **IT IS FURTHER ORDERED** that Mr. Valenzuela may petition this court for a
24 hearing on this Order no later than October 25, 2010.

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DATED this 8th day of October, 2010.

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Honorable Andrew W. Gould
Presiding Judge

Copies to:

Hon. Andrew W. Gould
Hon. Mark Wayne Reeves
Hon. John N. Nelson
Hon. John Paul Plante
Hon. Larry Kenworthy
Hon. Maria Elena Cruz
Hon. Kathryn Stocking-Tate
Hon. Denise D. Gaumont
Hon. Lisa W. Bleich
Hon. Jeffrey Mangis, Clerk of the Superior Court
Hon. John Smith, County Attorney
Margaret C. Guidero, Court Administrator
Sherri L. Williams, Caseflow Manager

Melinda Valenzuela
ASPC-Eyman, SMU-I
P.O. Box 4000
Florence, Arizona 85232-4000

Legal Department
ASPC-Eyman, SMU-I
P.O. Box 4000
Florence, Arizona 85232-4000